

Notice of Allowability	Application No.	Applicant(s)
	10/019,373	TECHT ET AL.
	Examiner	Art Unit
	Davienne Monbleau	2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed on 7/2/04 and the corresponding Examiner's Amendment.

2. The allowed claim(s) is/are 9-16.

3. The drawings filed on 02 July 2004 are accepted by the Examiner.

4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) hereto or 2) to Paper No./Mail Date _____.

(b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1-26-01
- 4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- 5. Notice of Informal Patent Application (PTO-152)
- 6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
- 7. Examiner's Amendment/Comment
- 8. Examiner's Statement of Reasons for Allowance
- 9. Other _____.

EXAMINER'S AMENDMENT AND STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

The amendment filed on 7/2/04 has been entered. Claims 1-8 have been canceled. New Claims 9-16 have been added. Claims 9-16 are pending.

The amendments to the specification have been added.

Applicant arguments filed 7/2/06 have been carefully considered and found persuasive. In particular, the Applicant argues that the cited prior art of record (*Marran*) does not teach a higher darkness threshold immediately after ignition than in later stages. Rather, *Marran* teaches using a lower initial threshold to allow detection of the cooler flames that do not have a chance to come up to a stabilization temperature. Furthermore, although *Marran* discusses using a threshold in the stabilization phase, it does not specifically teach the relationship between said stabilization phase and an operating phase.

Drawings

The drawings corrections were received on 7/2/04. These drawings are accepted.

New formal drawings are required in this application because the application has been allowed. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

The explanation of relevance for the foreign documents on the IDS filed 12/26/01 has been received. Accordingly, the IDS filed on 12/26/01 has been acknowledged and a signed copy of the PTO-1449 is attached herein.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Walter Hackler on 7/21/2004.

The application has been amended as follows:

Regarding Claim 10 line 5: change "(III)" to -- (IV) -- .

Regarding Claim 12 line 3: insert -- maximum -- before "luminance threshold".

Regarding Claim 15 line 1: insert -- a -- before "fuel supply".

Regarding Claim 15 line 3: change "when the" to -- when an -- .

Regarding Claim 15 line 4: change "the burning" to -- a burning -- .

Allowable Subject Matter

Claims 9-16 are allowed in light of the corresponding Examiner's amendment.

The following is an examiner's statement of reasons for allowance: the cited prior art of record does not teach or fairly suggest a device for the monitoring of flames in a burning chamber of a yell-flame oil burner and a blue-flame oil burner comprising, along with the other

claimed features, a darkness threshold being higher than the luminance threshold and wherein the darkness threshold during the stabilization phase is higher than the darkness threshold during the operating phase.

The advantages of these features are in the specification on pages 2-4. In particular, the Applicant states on pages 3 that this device allows for the same flame sensor to be used for both blue and yellow flame monitoring, as well as improving the security requirements of flame monitoring devices.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davienne Monbleau whose telephone number is 571-272-1945. The examiner can normally be reached on Mon-Fri 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Porta can be reached on 571-272-2444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Danielle Monbleau

DNM



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